

DEC 14 2005

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TERRANCE KENT MOORD,

Plaintiff - Appellant,

v.

JAMES BIRDSONG; SHERRI A.
SARRIO; STEVEN BENTZ,

Defendants - Appellees.

No. 04-55826

D.C. No. CV-01-02036-BTM

MEMORANDUM^{*}

Appeal from the United States District Court
for the Southern District of California
Barry T. Moskowitz, District Judge, Presiding

Submitted December 5, 2005^{**}

Before: GOODWIN, W. FLETCHER, and FISHER, Circuit Judges.

Terrance Kent Moord appeals pro se the district court's order denying his request for a hearing date and request for an extension of time to submit a motion for reconsideration of the court's judgment dismissing his 42 U.S.C. § 1983 action

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

alleging that defendants deprived him of his right to personal hygiene. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review for abuse of discretion a district court's decision regarding the enlargement of time. *See* Fed. R. Civ. P. 6(b); *Jenkins v. Commonwealth Land Title Ins. Co.*, 95 F.3d 791, 795 (9th Cir. 1996). We affirm.

The district court did not abuse its discretion by denying Moord's request for a hearing date on a motion the district court never received. Nor did the district court abuse its discretion by denying Moord's request for an extension of time to file a motion to reconsider where Moord's supporting declaration revealed he did not intend to challenge the court's underlying decision to dismiss his action on statute of limitations grounds. *See* Fed. R. Civ. P. 6(b); *Jenkins*, 95 F.3d at 795.

Moord's remaining contentions are unpersuasive.

AFFIRMED.